

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 29, 1998

DIVISION ONE

[illegible]

We reverse Adams' conviction for carjacking and direct the trial court to dismiss the carjacking charge. In all other respects, we affirm the judgment.

Masterson, J.

We concur: Spencer, P.J.
Dunn, J. (Assigned)

[illegible]

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B119299 People (Not for Publication)
v.
Vallejo

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

December 29, 1998-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Ortega, J.

B120733 People (Not for Publication)
v.
Galante

The matter is remanded for resentencing with respect to the finding under Penal Code section 667.5, subdivision (b). In all other respects, the judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
Dunn, J. (Assigned)

[illegible]

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

DIVISION FOUR

B114875 Robert E. McKee, Inc. (Not for Publication)
 v.
 A & A Associates, Inc.

The summary judgment is reversed, as is the order awarding trial court costs to respondent. Appellant to recover costs on appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Curry, J.

B119539 Asher, et al. (Not for Publication)
 v.
 LeBoeuf, Lamb, Greene & MacRae, LLP

The judgment is reversed as to plaintiffs Howard Asher, Frederick Binkley, John Munroe Hamilton, John E. O'Donnell, and Terrence Thomas. Costs on appeal are awarded to appellants.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

B120375 Loof (Not for Publication)
 v.
 South Coast Air Quality Management District

The order of dismissal is reversed and the cause is remanded for further proceedings on the third amended complaint consistent with the views expressed herein. Costs on appeal are awarded to plaintiff.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Curry, J.

DIVISION FOUR (Continued)

B125965 County of Los Angeles (Certified for Publication)
v.
Superior Court, Los Angeles County
(Peters, r.p.i.)

Let a peremptory writ issue commanding the superior court to sustain, without leave to amend, the demurrer of the County of Los Angeles to the third cause of action of plaintiff's first amended complaint. The order to show cause, having served its purpose, is discharged. Costs are awarded to the County of Los Angeles.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B115231 People (Not for Publication)
v.
Martinez

The trial court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment reciting that the four-year term on count 2 (robbery with an armed-principal enhancement) is stayed, said stay to become permanent upon completion of the term imposed on count 1 (first murder with a special circumstance finding). In all other respects, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B113087 People (Not for Publication)
v.
Dominguez

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

December 29, 1998-Continued

DIVISION FOUR (Continued)

[illegible]

The judgment (order granting probation) is modified by striking the condition that the defendant “pay back the county for the costs of legal representation.” As so modified, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B120139 People v. Williams (Not for Publication)
B125194 In re Thomas R. Williams on Habeas Corpus

The judgment is affirmed, and appellant's petition for writ of habeas corpus is denied.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

B116535 Tig Insurance Company, et al.
v.
Jonathan Lange, et al.

Filed order certifying opinion for publication.

December 29, 1998-Continued

DIVISION FIVE (Continued)

B113834 People (Not for Publication)
v.
Lewis Anthony Harris

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B112538	CBT Financial Services Inc v. Dorothy Brennan	(Not for Publication)
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The judgment is affirmed. CBT is to pay Brennan's costs on appeal.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

DIVISION SIX

B115339 Austram U.S., Inc. (Not for Publication)
v.
Bank of America National Trust and Savings Ass

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SIX (Continued)

B114018 People (Not for Publication)
v.
Carrero

The matter is remanded for the trial court to determine whether the offenses alleged in counts 1 and 3 arose on the same occasion and, if so, to exercise its discretion in imposing consecutive or concurrent sentences. The matter is also remanded for resentencing as to the section 667.5, subdivision (b) enhancements. In all other respects, the judgment is affirmed.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

[illegible]

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
 Yegan, J.

B114753 People (Not for Publication)
v.
Stewart

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

December 29, 1998-Continued

DIVISION SIX (Continued)

B121833 Williams (Not for Publication)
v.
City of Oxnard

The judgment (order of dismissal) is affirmed. Costs are awarded to respondents.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

DIVISION SEVEN

B114163 Elaine Cassavitis (Not for Publication)
v.
Michael Cassavitis

The judgment is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

B118326 People (Not for Publication)
v.
Jose Luis Gorbea

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B093876 Joseph L. Parker (Not for Publication)
 v.
 Eleventh Avenue Medical Group, et al.

The judgment is affirmed. Respondents shall recover their costs.

Neal, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B094131 Jose Antonio Valentin, et al. (Not for Publication)
 v.
 County of Los Angeles, et al.

The judgment is affirmed in part and reversed in part. The parties to bear their own costs on this appeal.

Kwong, J. (Assigned)

We concur: Lillie, P.J.
 Johnson, J.